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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's) PR Docket NO. 92-257
Rules Concerning Maritime)
Communications)

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc. ("APCO"), by its attorneys, hereby submits the following comments in response to the Commission's Second Further Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 97-217 (released June 26, 1997).

APCO, founded in 1935, is the nation's oldest and largest public safety communications organization, with over 12,000 members involved in all aspects of the management and operation of police, fire, emergency medical, forestry conservation, highway maintenance, local government, emergency management, and other public safety communications facilities. APCO is the FCC's certified frequency coordinator for the Part 90 Police, Local Government, and 800 MHz Public Safety Pool channels. This includes public safety land mobile frequencies that are immediately adjacent to the VHF maritime public coast channels at issue in this proceeding.

The Commission proposes in the Second Further Notice that public coast VHF frequencies should be assigned through competitive bidding on a geographic basis

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according to current Coast Guard districts, which encompass the entire United States (including land-locked areas). Incumbents with site-specific licenses (including those non-maritime users operating by waiver) would be protected, but new public coast applicants would receive licenses for an entire Coast Guard District.¹ In addition, the Commission also seeks comments as to whether there may be “opportunities for public safety entities to share public coast spectrum in land-locked areas, far from navigable waterways.” Second Further Notice at ¶86.

The public coast spectrum at issue here is in the VHF “high” band (150-170 MHz), immediately adjacent to VHF spectrum allocated for private land mobile radio and, more specifically, public safety radio services. Public safety use of public coast spectrum could help alleviate serious congestion in the VHF band and would clearly be the highest and best use of otherwise vacant frequencies. As documented by the Public Safety Wireless Advisory Committee (“PSWAC”) Report, public safety agencies throughout the country have an immediate and substantial need for additional spectrum. While the Commission has initiated efforts to meet some of the needs identified by PSWAC through an allocation of 24 MHz in the 746-806 MHz band (ET Docket 97-187), that will not address the spectrum requirements of all public safety agencies. As discussed below, for some agencies, VHF channels offer the only practical solution to current channel congestion.

The 150-170 MHz VHF band is ideal for many public safety land mobile operations, as it facilitates wide area coverage, has good propagation characteristics, and does not demand as many sites as higher frequency bands (this would include both the

¹ APCO notes that some public safety agencies already operate on public coast channels pursuant to waiver, and their operations must be fully protected.

current 800 MHz bands and the pending 746-806 MHz allocation). As a result, VHF is one of the most heavily used public safety frequency bands, with long-standing systems operated by a wide variety of public safety agencies. For many of these agencies, adding new channels to their systems is nearly impossible due to the lack of available frequencies. In most areas, there are no 150-170 MHz public safety frequencies available for assignment. This includes not only urban areas, but also sparsely populated areas where higher frequency bands are not practical and/or are unavailable. Therefore, APCO strongly supports efforts to make additional VHF channels available for public safety use. These channels would provide enhanced communications for many public safety agencies in these areas, and would be fully interoperable with existing public safety VHF channels.

The demand for public safety frequencies in the VHF band is so high that vacant public coast channels should be made available wherever possible. Specifically, APCO proposes that public safety users be permitted to share public coast VHF frequencies on the following basis:

- Sharing should be allowed in all areas where one or more of the public coast channels are currently unused. All nine channels should be potentially available.
- Public safety users should have a reasonable opportunity to seek unused public coast channels on a site-specific basis, prior to any geographic licenses being granted through competitive bidding.²

² In some instances, public safety agencies require state-wide allotments (e.g., state police and other state-wide public safety agencies).

- In addition, at least four of the channels should be excluded from auctions for an additional period of at least five years, during which only site-specific public safety applications should be accepted. This would ensure that all public safety agencies with spectrum needs have a reasonable opportunity to obtain channels before they are auctioned and effectively gone forever.
- All geographic public coast licensees must be required to protect site-specific public safety licensees from interference.

The public coast service is a mature service which has been available for licensing for many years, is not fully used in some coastal areas, and is largely unused in land-locked areas, far from navigable waterways. Therefore, these channels are ripe for reallocation and/or shared used with other services in need of spectrum. Giving public safety priority to obtain vacant public coast channels in all areas would be consistent with long-standing FCC and Congressional spectrum policy favoring services that protect the safety of life and property. Furthermore, it would be consistent with recent legislation requiring the FCC to waive its allocation rules to permit public safety use of unassigned frequencies where satisfactory public safety frequencies are not immediately available.³ Consistent with that legislative intent, public safety users should have priority in obtaining public coast VHF channels wherever such channels are vacant.

³ See new Section 337(c) of the Communications Act of 1934, as amended by Section 3004 of the Balanced Budget Act of 1997.

CONCLUSION

As set forth above, APCO urges the Commission to allow public safety agencies to obtain currently vacant public coast channels on a site-specific basis prior to geographic licensing of the channels.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
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August 25, 1997